

CMP(MD). No.10175 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Civil Appellate Jurisdiction

Tuesday, the Tenth day of June Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CMP(MD). No.10175 of 2022

in

AS(MD)SR.No.32258 of 2022

Subbulakshmi

... Petitioner / Appellant

Vs

1 S.Rathinam

2 S.Palthai
(Died).

3 T.Kalimuthu,

4 K.Latha,

5 K.Ramya,

6 K.Senthilkumar,

7 Arumugam,

8 Ganesan,

9 Paramasivan,



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10 Bhuṽaneswari,
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11 Dayanithi,

12 Manjula,

13 Krishnan
(Died).

14 Selvam,

15 Balasubramanian,

16 Sivakumar,

17 Sumathi,

18 N.Ponraj,

19 Ramasamy,

20 Arunkumar,

21 Rajendran,

22 Subramanian,

23 S.Marimuthu,

24 Nishanth,

25 Arunasalam,

26 Thirumalaiselvan,

27 R.Ponraj,

28 Selvaraj,



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29 Devendran,
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30 Sasikumar,

31 Esakki Asari,

32 Mariammal,

33 Puthiyavan,

34 Alexandar,

35 Sukumaran,

36 Poongani,

37 Sermakani,

38 State of Tamil Nadu,
Through the District Collector.
Tirunelveli District.

... Respondents

Prayer in CMP(MD). No.10175 of 2022 :-

Civil Miscellaneous Petition filed under Section 151 of CPC to grant leave to file Appeal Suit as against the judgment and decree dated 21-12-2021 made in O.S.No.35 of 2013 on the file of the Learned Additional District Judge, Tenkasi.

Prayer in AS(MD)SR.No.32258 of 2022:-

This Petition filed under Section 96 and Order 41 of CPC to call for records relating to the judgment and decree dated 21.12.2021 made in O.S.No.35 of 2013 on the file of the Additional District Judge (FTC), Tenkasi and set aside the same allow the First Appeal.



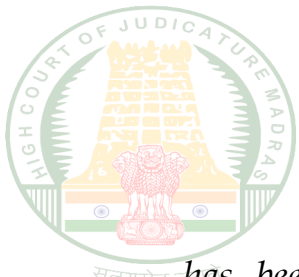
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ORDER:- This Petition coming on for orders on this day and upon perusing the
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petition and the affidavit filed in support thereof and upon hearing the arguments of
Mr. C. Arumugam, Advocate for the 7th respondent, this Court made the following
order:

"This petition has been filed to grant leave to file Appeal Suit as against the
judgment and decree dated 21.12.2021 made in O.S.No.35 of 2013 on the file of the
learned Additional District Judge, Tenkasi.

2. When the matter taken up for hearing on 20.01.2023, the learned counsel for
the petitioner filed a withdrawal memo dated 05.01.2023 before this Court, wherein
paragraph No.12 reads as follows:-

*"2. It is submitted that this Hon'ble Court by its order dated
14.12.2022 ordered notice to the respondents returnable by 20.01.2023 and
this Hon'ble Court directed to take private notice and to file proof of service on
or before 10.01.2023. It is submitted that while the petitioner's counsel tried
to contact over mobile on 26.12.2022 at 2.00 p.m., the petitioner/appellant
blocked the Petitioner's Counsel's Name. Moreover, while contacting the
petitioner/appellant in the last week of November 2022 also, the
petitioner/appellant did not pick up the mobile. Hence, the petitioner's
Counsel sent a letter to the petitioner/appellant on 16.12.2022 and though it*



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has been properly addressed, the letter was returned on the ground of
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"insufficient address".

3. Since the petitioner has not contacted his counsel and also blocked his name in the phone, this Court is not inclined to keep the petition without adjudication on the basis of the memo of withdrawal of appearance filed by the learned counsel for the petitioner and hence, the petition is liable to be dismissed.

4. Accordingly, the Civil Miscellaneous Petition stands dismissed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

Madurai Bench of Madras High Court,
Madurai.

TO

1. The Additional District Judge,
Tenkasi.

2. The District Collector,
Tirunelveli District.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai



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ORDER DATED : 10/06/2025

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ORDER

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CMP(MD). No.10175 of 2022

in

AS(MD)SR.No.32258 of 2022

Giving direction and etc.
as stated within.

AVK/11.07.2025 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023